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Special theme: "Territories, lands and natural resources"

Implementation of recommendations on the six mandated areas of the Forum and on the Millennium Development Goals

Information received from Governments

Report of the Government of Spain

Summary

Spain's cooperation activities, consistent with the Programme of Action for the Second International Decade of the World's Indigenous People, has made cooperation with indigenous peoples one of its priorities. This has resulted not only in a significant increase in funding for this purpose, but also in the adoption of relevant regulatory instruments and strategy papers.

This document contains information on Spain's new policy for cooperation with indigenous peoples, with a focus on the adoption of its new Strategy for Cooperation with Indigenous Peoples, the adoption and future ratification of International Labour Organization (ILO) Convention No. 169 and progress in implementation of the recommendations made by the Permanent Forum on Indigenous Issues.

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Contents

		Paragraphs	*Page*
I.	Introduction	1–2	3
	A. Spain's new Strategy for Cooperation with Indigenous Peoples	3–7	3
	B. ILO Convention No. 169	8–9	4
II.	Progress in implementation of the recommendations made by the Permanent Forum at its fifth session	10–30	4
	A. Special topic: The Millennium Development Goals and indigenous peoples	10–17	4
	B. Indigenous women	18	6
	C. Indigenous children and adolescents	19–21	6
	D. Human rights	22–25	7
	E. Data collection and disaggregation	26–27	7
	F. Second International Decade of the World's Indigenous People	28–30	8
III.	Special theme for the sixth session: Territories, lands and natural resources	31–33	8

I. Introduction

1. Spain is becoming ever more aware of the need to focus specifically on indigenous peoples. Thus, for the first time, the Master Plan for Spanish Cooperation for 2005-2008 explicitly includes cooperation with indigenous peoples among its sectoral priorities. This commitment has increased both the quantity and quality of cooperation assistance in this area, and many of the Permanent Forum's recommendations are included in the new policy's principles.

2. The overall objective of this new policy is to promote the recognition and effective exercise of the right of indigenous peoples to coordinate their own social, economic, political and cultural development processes.

A. Spain's new Strategy for Cooperation with Indigenous Peoples

3. Spain's new Strategy for Cooperation with Indigenous Peoples was adopted in 2006. This Strategy is the principal planning tool and ensures the consistency of all Spain's cooperation activities in this area.

4. The basic principles of the Strategy, which must be respected by all parties involved in Spain's cooperation activities, are:

- Self-identification as the primary criterion for the identification of indigenous peoples;
- The existence of close links between the identity, culture and world view of indigenous peoples; and effective control of their lands and territories;
- The right to self-development, which means the development, implementation and dissemination of their own development models and concepts, viewed from the perspective of their respective and various identities;
- The right to free, prior and informed consent, including the right to reject proposals for development and other types of cooperation projects and activities, particularly those which affect their lands and territories; and
- A basic focus on processes and on the recognition of rights.

5. The following general Strategy guidelines will characterize all Spain's activities of cooperation with indigenous peoples:

- Support for the full, effective participation of indigenous peoples in relevant local, national, regional and international decision-making processes and institutions with a view to legal recognition of their rights and the effective exercise thereof;
- Empowerment, and support for development of the capacities, of indigenous men and women and of their movements, organizations and institutions, including through support for education and training proposals that they themselves develop and through participatory methodologies that incorporate a gender perspective into development;
- Support for indigenous peoples' organizations, institutions and traditional authorities in their efforts to prepare their own development strategies and models with the full, effective participation of both men and women; and

- Support for indigenous peoples and their organizations in their efforts to protect their territories, environment, cultural systems and cultural heritage through action in defence thereof.

6. The Strategy establishes the following guidelines, which are to be followed in all activities of cooperation with indigenous peoples:

- Poverty and well-being must be considered from indigenous peoples' perspective in order to avoid acting in a manner contrary to their cultural norms and ways of life;
- Spain's cooperation activities must respect the individual and collective rights of indigenous peoples, particularly concerning their rights in respect of their land, territories and resources and their right to give free, prior and informed consent, and must ensure indigenous peoples' control and management of their land, territories and resources;
- Spain's cooperation activities must consider the effect of their actions on indigenous peoples' forms of land, territory and resource conservation and management and must assess their cultural, social and environmental impact; and
- Indigenous men and women and their organizations must be involved at all stages of a programme or project as key actors and players in its design, development and implementation.

7. The Strategy establishes the following sectors, inter alia, as priorities for action: support for bilingual, intercultural education models; development of intercultural health care and management models; and support for indigenous peoples' communication processes.

B. ILO Convention No. 169

8. In December 2006, the Spanish Senate ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples, thus concluding the process initiated by Parliament in November of that year.

9. In 2007, a programme aimed at properly incorporating the Convention into Spain's policy for cooperation with indigenous peoples is scheduled to be implemented in cooperation with ILO.

II. Progress in implementation of the recommendations made by the Permanent Forum at its fifth session

A. Special topic: The Millennium Development Goals and indigenous peoples

10. With regard to paragraph 8 of the report of the Permanent Forum on its fifth session, at the urging of the Governments of Spain and Ecuador, the Sixteenth Ibero-American Summit of Heads of State and Government, held in Montevideo in November 2006, adopted the following paragraph of the Montevideo Declaration:

> 34. "We instruct the Ibero-American Secretariat (SEGIB) to launch an initiative which, within the framework of the Millennium goals and objectives, will make it possible to develop specific indicators for indigenous and Afro-descendent peoples as a useful tool for progress in combating, with their consent, the exclusion and poverty in which they live in many countries of the region."

11. With regard to paragraph 13 on upholding the linguistic rights of indigenous peoples, the Spanish Agency for International Cooperation (AECI) supported the organization by the United Nations Educational, Scientific and Cultural Organization (UNESCO) Centre of Catalonia of a Seminar on the revitalization of indigenous languages and sustainable development, the purpose of which was to discuss the links between biological and linguistic diversity. The Seminar provided an opportunity for in-depth consideration of the concept of linguistic diversity and its implications for the revitalization of languages. Its conclusions were published in the UNESCO book, "Sharing a world of difference".

12. This priority was also reflected in paragraph 35 of the Montevideo Declaration: "We recommend that SEGIB should establish a working group, in cooperation with the Organization of Ibero-American States for Education, Science and Culture (OEI) and the Permanent Forum, in order to establish the bases, objectives and scope of the Ibero-American Institute for Native Languages".

13. With regard to paragraph 29, in 2006, AECI provided 200,000 euros in support of a project in Guatemala entitled "Coordination of the United Nations Millennium goals and objectives, peace agreements and national development priorities within the framework of the Mayan people's *Bactun*". Through this support, it sought to foster a new participatory development for Guatemala, inspired by the provisions of the peace agreements and the Millennium Development Goals. One of the project's activities is to encourage indigenous communities, social sectors and peoples to contribute to and assume ownership of the discussion, design, endorsement and promotion of economic, social and political processes that are directly related to peacebuilding and the Millennium Development Goals, in order to enrich the social and institutional aspects of a new development based on Guatemala's multicultural reality.

14. Also with regard to paragraph 29, AECI focused on achievement of the first of the Millennium Development Goals — eradicating extreme poverty and hunger — in Bolivia and Paraguay by working to support food sovereignty in order to promote the right of indigenous and native communities to gain access to and control of their productive resources through agreements with and projects of non-governmental development organizations. Thus, indigenous communities are a specific target group for activities related to food sovereignty. In Paraguay, for example, these activities take into account and promote the strategic role of indigenous women in ensuring their families' food security.

15. Support for better education and for the achievement of educational equity has been particularly significant. The Strategy attaches great importance to bilingual intercultural education. This has been expressed through the provision of 1,100,000 euros for the Programme of Basic Bilingual Education for Youth and Adults (PRODEPA KO'E PYAHU), carried out jointly with the Organization of Ibero-American States; and 290,000 euros for the Bilingual Intercultural Education Project in the Loreto Region (EBI-LORETO), carried out jointly with the Hispano-Peruvian

Cooperation Fund of the Republic of Peru. Funding in the amount of 202,000 euros was also provided in support of a project for the development and implementation of a basic intercultural education programme from preschool to third grade in schools located in the territory of the Kuna people of Panama; funding was also provided for efforts to strengthen community education processes in the territory of indigenous peoples of the Department of Cauca, Colombia, in accordance with lifestyle plans that they themselves developed.

16. In 2006, the Spanish Government made the remainder of its contribution to the social capital of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean, thus fulfilling its 5 million dollar commitment.

17. With regard to paragraph 42, the Spanish Government has undertaken to increase its official development assistance (ODA) to 0.5 per cent in 2008 and to achieve 0.7 per cent in 2012; funding for cooperation with indigenous peoples will be increased proportionately. Currently, 6 per cent of AECI's total budget is allocated for that purpose.

B. Indigenous women

18. With regard to paragraph 49, AECI supports, and plans to support, initiatives relating to the sexual and reproductive health of indigenous women and girls, primarily in Panama (through support for the General Kuna Congress and the Kuna Yala women's collective), Argentina (the north-western and north-eastern communities) and Bolivia, where an agreement aimed at improving primary care and sexual and reproductive health has been signed. Also noteworthy is a project on the economic and gender empowerment of indigenous women living in the Obrajes Prison, aimed at reducing poverty and promoting the exercise of their sexual and reproductive rights.

C. Indigenous children and adolescents

19. Spain ratified the Convention on the Rights of the Child in 1990. Since then, it has maintained its commitment to promoting the rights of children and adolescents.

20. On 7 and 8 July 2005, AECI hosted and funded the First Ibero-American Meeting on the Rights of Indigenous Children and Adolescents, organized jointly by the United Nations Children's Fund (UNICEF) Regional Office for Latin America and the Caribbean and the indigenous peoples. Spain is carrying out activities pursuant to the declaration adopted at this meeting.

21. With respect to paragraph 66, Spain has been working with the UNICEF Regional Office for Latin America and the Caribbean to implement the programme entitled "Rights of indigenous children in Latin America" since 2005. To date, Spain has undertaken to contribute 6 million euros for the execution of this project, which is being implemented in 16 Latin American countries and whose fundamental objective is to ensure that the rights of indigenous children are respected by all members of society and are taken into account in development models at the regional, national and local levels. The common denominator for this initiative is the development of protective environments for indigenous children so that the

Millennium Development Goals can be achieved at the local level, focusing particularly on Goals Nos. 1, 2, 3, 4, 5, and 6.

D. Human rights

22. The promotion of respect for the individual and collective rights of indigenous peoples is the cornerstone of Spain's policy for cooperation with indigenous peoples. Following this commitment, in 2006 Spain co-sponsored the draft General Assembly resolution containing the Declaration on the Rights of Indigenous Peoples, which it hopes will be adopted by the end of 2007.

23. With respect to paragraph 81, in the last few years the AECI Indigenous Programme has developed a specific policy on supporting the participation of indigenous representatives at international forums on the recognition and promotion of their rights. This work is carried out mainly through specialized organizations. Significant support has been provided for the participation of indigenous representatives at the meetings of the International Indigenous Forum on Biodiversity, in the framework of the meetings of the Convention on Biological Diversity (CBD) and the meetings of other environmental conventions, and at the meetings of the Permanent Forum and the Working Group on Indigenous Populations. AECI will double its funding for participation during 2007 and 2008.

24. With respect to paragraph 83, and following up the recommendations of the fourth and fifth sessions on indigenous peoples in voluntary isolation, Spain supported the holding of the Regional Seminar on Indigenous Peoples in Voluntary Isolation and in Initial Contact of the Amazonian Basin and El Chaco. This seminar was held in Santa Cruz de la Sierra, Bolivia, from 20 to 22 November 2006 and was organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Vice-Ministry of Lands of the Government of Bolivia, the International Working Group for Indigenous Affairs (IWGIA) and the Confederacy of Indigenous Peoples (CIDOB). The seminar brought together over 90 participants, including government representatives, indigenous organizations and experts from the seven countries of the Amazon and Gran Chaco (Bolivia, the Bolivarian Republic of Venezuela, Brazil, Colombia, Ecuador, Paraguay and Peru) and from international organizations that are particularly influential in this area, with a view to reaching an agreement on the situation of indigenous peoples in isolation and in initial contact and to formulating recommendations for States, international agencies, experts and indigenous organizations on protecting the rights of these peoples. AECI plans to maintain its support for this initiative in 2007 and 2008.

25. The strategy for strengthening the rule of law in some countries is also significant. In Peru, support has been provided to bodies responsible for guaranteeing basic rights. The project to help the Ombudsman Office to implement a national system for monitoring public policies in education and health with a rights-based approach, which is part of the Hispano-Peruvian Cooperation Programme 2007-2010, is of great importance.

E. Data collection and disaggregation

26. With respect to paragraph 93, Spain has supported the organization of an International Expert Seminar on Indicators relevant to Indigenous Peoples and

Biodiversity, to be held in Ifugao, the Philippines, from 4 to 9 March 2007, by publishing the results compiled by the Tebtebba Foundation in "Indicators relevant to indigenous peoples, the Convention on Biological Diversity and the Millennium Development Goals".

27. The objective of this initiative is to contribute to the monitoring and implementation of the strategic plan and 2010 target of the Convention on Biological Diversity and the Millennium Development Goals that are relevant to indigenous peoples, and to strengthen the full, effective participation of indigenous peoples in the development of indicators relating to the Convention and the Goals. It also aims to strengthen the work of the United Nations agencies, Governments, academic institutions and indigenous peoples in data collection and disaggregation of key indicators relating to health and the ecological, social and cultural welfare of indigenous peoples.

F. Second International Decade of the World's Indigenous People

28. Environmental sustainability is one of the cross-cutting priorities of Spanish cooperation, as reflected by the AECI Strategy for Cooperation with Indigenous Peoples, which recognizes the fundamental role of indigenous peoples in biodiversity conservation.

29. The Government of Spain has supported the programme under the Convention on Biological Diversity through AECI and, by the end of 2006, had contributed 898,865 euros to the programme. In 2005, it contributed 250,000 euros towards financing the preparations for the fourth meeting of the working group on article 8 (j) and the meeting of the working group on access to genetic resources and benefit-sharing, held in Granada in January 2006. In 2006, an assistance grant of 250,000 euros was also provided to the Technical Secretariat of the Convention and this was allocated to the organization of activities relating to the decisions adopted at the eighth meeting of the Conference of the Parties to the Convention on Biological Diversity on the programme of work under article 8 (j), including support for the initiative on indicators.

30. With respect to paragraph 136, AECI has developed a plan for training and awareness-raising concerning indigenous issues aimed at civil services, non-governmental organizations, universities and Spanish social networks. This plan will be implemented during 2007 by specialized non-governmental organizations under the Indigenous Programme. As part of its awareness-raising efforts, the Indigenous Programme will continue to support the annual Indigenous Film Festival in Madrid and to strengthen the indigenous communication networks in Latin America.

III. Special theme for the sixth session: Territories, lands and natural resources

31. One of the fundamental principles of Spain's new policy for cooperation with indigenous peoples is the recognition of the unique link between the identity of indigenous peoples and the effective control of their lands and territories. Spain's

Strategy for Cooperation with Indigenous Peoples includes the following priority actions:

- Institutional support for the recognition and guarantee of the territorial and environmental rights of indigenous peoples in domestic and international legal systems, and of their bearing on the conservation of the environment;
- Support for indigenous peoples in relation to land ownership and demarcation;
- Development, using participatory methodologies, of specific, gender-disaggregated environmental indicators for indigenous peoples, incorporating a gender perspective;
- Support for the effective control of territories and natural resources of indigenous peoples, giving priority to the formulation of their own strategies and plans for land management and use, with a view to preserving their lifestyles, development models and respective identities;
- Support for the recognition and effective realization of the rights of indigenous peoples with respect to biodiversity resources, including genetic resources, and with respect to their knowledge, technologies and traditional practices and innovations, drawing attention to their scientific, economic and cultural value and their role in environmental preservation, and promoting the establishment of adequate legal measures for their protection, including patent recognition;
- Support for the full, effective participation of the representatives of indigenous peoples at relevant international forums on the environment and sustainable development.

32. Following the commitment undertaken by Spain at the Earth Summit, held in Rio de Janeiro in 1992, AECI established in 1998 a Chilean pine programme as a specific means of contributing to sustainable development in Latin America. In 2006, the programme was renewed as Araucaria XXI and included an initiative entitled "Promoting environmental governance and equal opportunities for access to natural resources", which was aimed at vulnerable populations, particularly women and indigenous peoples.

33. With respect to paragraph 156, the AECI Indigenous Programme has supported the organization of a preparatory workshop for the sixth session of the Permanent Forum on lands, territories and natural resources, which will be held in Argentina in early 2007. This activity has four basic objectives:

- To enhance the participation of the indigenous peoples of Argentina in relevant United Nations bodies;
- To prepare an assessment of the situation with respect to lands and territories with the participation of the indigenous communities of Argentina;
- To establish a dialogue with the Government and United Nations agencies to promote their greater involvement and coordination of the work of the Permanent Forum with respect to the rights of the indigenous peoples of Argentina;
- To make adequate preparations for the participation of indigenous peoples in the Permanent Forum.